



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,605	03/11/2004	Michael J. Schuster	1008-100400	6199

7590 06/09/2004

Michael J. D'Aurelio  
D'Aurelio & Mathews, LLC  
96 Church Street  
Chagrin Falls, OH 44022

EXAMINER
----------

WALTON, GEORGE L

ART UNIT	PAPER NUMBER
----------	--------------

3753

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/798,605

Applicant(s)

SCHUSTER, MICHAEL J.

Examiner

George L. Walton

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) 10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 6/9/04.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 3753

# **DETAILED ACTION**

## ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8, 11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Royalty (5,232,011). The valve lock is readable on elements 54, 56, 60, 90 and 92 that are associated with float arm 40. Float 26 is attached to float arm 40. The fill valve assembly is readable on element 24. Element 54 is readable on the pivotal stand of claim 3. Also, the retaining clip is readable on elements 54, 56 and 60. The above valve lock is capable of being utilized during maintenance.

Claims 1, 3-5, 8-9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fitzgerald. The valve lock is readable on elements 64-68 that is associated with float arm 34-35. Float 33 is attached to float arm 34-35. The fill valve assembly is readable on elements 21 and 28. Element 63 is readable on the pivotal stand of claim 3. The shelf of claim 5 is readable on element 69. Also, element 68 defines a retaining lip that engages a rim at the top of the fill valve 21 at element 69. The above valve lock is capable of being utilized during maintenance.

Claims 1-3, 8 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker. The valve lock is readable on elements 6 and 7 that are associated with float arm 2. Float 3 is attached to float arm 2. The fill valve assembly is readable on element 1. Element 7 is readable on the pivotal stand of claim 3. Note that the slideable portion of the valve lock is readable on element 6. The above valve lock is capable of being utilized during maintenance.

Claims 1, 3-4, 6-8 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamb. The valve lock is readable on elements 28-32, 34 and 42-63 that are associated with float arm 35-39. Float 40 is attached to float arm 35-39. The fill valve assembly is readable on elements 15 and 18. Elements 29 and/or 50-54 are readable on the pivotal stand of claims 3, 6 and 7. Also, the pivotal stand 29-32 will rest against the float arm portion 37. The above valve lock is capable of being utilized during maintenance.

Art Unit: 3753

*Allowable Subject Matter*

Claims 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George L. Walton whose telephone number is 703-308-2596. The examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George L. Walton  
Primary Examiner  
Art Unit 3753

GLW